

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FMC CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 14-051-LPS
)	
SUMMIT AGRO USA, LLC and SUMMIT)	
AGRO NORTH AMERICA HOLDING)	
CORPORATION,)	
)	
Defendants.)	

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff FMC Corporation (“Plaintiff”) and Defendants Summit Agro USA, LLC and Summit Agro North America Holding Corporation (jointly, “Defendants”) previously stipulated to a briefing schedule on Plaintiff’s Motion for Preliminary Injunction (D.I. 16);

WHEREAS, the Court previously approved of the parties’ stipulated briefing schedule (D.I. 15);

WHEREAS, Plaintiff has requested that the International Trade Commission (“ITC”) commence an investigation into Defendants’ alleged activities;

WHEREAS, the ITC should issue a decision on whether the ITC will institute an investigation into Defendants’ alleged activities on or about April 9, 2014;

WHEREAS, Defendants’ opposition to Plaintiffs’ Motion for Preliminary Injunction is currently due on April 9, 2014 (D.I. 15);

WHEREAS, the parties now wish to modify the stipulated briefing schedule to allow the parties time to meet and confer following the issuance of the ITC decision concerning its implications on Plaintiffs’ Motion for Preliminary Injunction and the district court litigation;

IT IS THEREFORE STIPULATED AND AGREED, subject to the approval of the Court that:

1. Defendants' opposition to Plaintiff's Motion for Preliminary Injunction shall be filed on or before April 23, 2014;

2. Without waiver of any party's right to seek or object to discovery, no party will seek any discovery, including depositions, before the ITC issues its decision, provided however, that no party shall object to a request for a deposition on the basis that the notice of such deposition is untimely under the Local Rules with regard to a deposition sought in connection with prosecuting or defending the Motion for Preliminary Injunction;

3. Once the ITC issues its decision, the parties will meet and confer as soon as possible concerning what, if any, discovery is still requested on the Motion for Preliminary Injunction;

4. Should Defendants move forward with depositions (either by agreement of the parties or order of the Court), Defendants must file an opposition to the Motion for Preliminary Injunction regardless of the status of any request for a stay;

5. This stipulation is without prejudice to any party's right to seek or object to a stay in whole or in part following a decision by the ITC, and cannot be used as a basis to object to any stay; and it is further without prejudice to the parties' positions as to the timeliness and manner in which Plaintiff sought and pursued preliminary injunctive relief.

/s/ Daniel M. Silver

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Dated: March 26, 2014

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SO ORDERED this _____ day of _____, 2014.

United States District Judge